

CAUSE NO. _____

DOLCEFINO COMMUNICATIONS,	§	IN THE DISTRICT COURT
LLC d/b/a DOLCEFINO MEDIA,	§	
and WAYNE DOLCEFINO	§	
<i>Plaintiffs,</i>	§	
	§	
<i>vs.</i>	§	____ JUDICIAL DISTRICT
	§	
CITY OF CORPUS CHRISTI,	§	
TEXAS	§	
<i>Defendant.</i>	§	NUECES COUNTY, TEXAS

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiffs, DOLCEFINO COMMUNICATIONS, LLC d/b/a DOLCEFINO MEDIA and WAYNE DOLCEFINO ("Plaintiffs"), file this Plaintiffs' Original Petition complaining of CITY OF CORPUS CHRISTI, TEXAS ("Defendant"), and respectfully show the following:

I. DISCOVERY CONTROL PLAN

1. Pursuant to Rule 190.4 of the Texas Rules of Civil Procedure, Plaintiffs request that discovery be conducted under a Level 3 discovery control plan.

2. Plaintiffs seek nonmonetary relief under Texas Government Code § 552.321, together with the litigation costs and reasonable attorney's fees authorized by § 552.323. For purposes of Texas Rule of Civil Procedure 47(c)(5), Plaintiffs seek only nonmonetary relief, apart from those statutory costs and fees.

II. PARTIES AND SERVICE

3. Plaintiff DOLCEFINO COMMUNICATIONS, LLC d/b/a DOLCEFINO MEDIA is a Texas limited liability company.

4. Plaintiff WAYNE DOLCEFINO is a natural person and resident of Hays County, Texas.

5. Defendant CITY OF CORPUS CHRISTI, TEXAS (the “City” or “Defendant”) is a Texas municipality and a governmental body subject to Chapter 552 of the Texas Government Code. Pursuant to Texas Civil Practice and Remedies Code § 17.024(b), the City may be served through City Secretary Rebecca L. Huerta at City Hall, 1201 Leopard Street, Corpus Christi, Texas 78401, or wherever she may be found.

III. JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction over this action pursuant to Texas Government Code § 552.321.

7. Venue is mandatory in Nueces County, Texas under Texas Government Code § 552.321(b) because Defendant’s main offices are located in Nueces County.

IV. FACTUAL BACKGROUND

A. The Information Sought and the City’s Responses Generally

8. This lawsuit arises under the Texas Public Information Act (the “Act”), Chapter 552 of the Texas Government Code, and concerns the City’s handling of Plaintiffs’ requests for records concerning City officials, public expenditures, investigations, and communications about City business. Plaintiffs’ requests to the City have concerned City Auditor George Holland; City Manager Peter Zanon; Councilmembers Roland Barrera, Mark Scott, Everett Roy, Eric Cantu, Carolyn Vaughn, Kaylynn Paxson, Gil Hernandez, and Sylvia Campos; and communications involving Ajit David, Raju Bhagat, Douglas Allison, and other identified persons.

9. The City Secretary's Office receives and coordinates public-information requests submitted through the City's designated process. The requests at issue were handled through that office and the City's Legal Department. Plaintiffs challenge the City's compliance with its disclosure and cost obligations regardless of which City office or record custodian participated in processing the requests.

10. The City's responses have included excessive and unsupported cost estimates, partial productions, the closure of requests despite Plaintiffs' identification of missing categories of information, and failure to timely respond to requests. Plaintiffs distinguish those responses below because the grounds for compelling disclosure differ by request.

B. The April 8 Requests

11. On April 8, 2026, Plaintiffs submitted four requests to the City Secretary that the City assigned file numbers 26-0851, 26-0852, 26-0853, and 26-0854. Those requests sought, respectively: a document detailing money paid to a law firm hired to investigate Homewood Suites; emails and attachments involving David, Bhagat, Zanoni, and Holland since July 1, 2024; Holland's and Zanoni's phone records and specified communications since January 1, 2025; and documents detailing the internal investigation of Holland.

12. The request assigned number 26-0853 expressly sought: "All phone records including emails, letters, text messages, and messages on collaboration platforms, sent or received for the city auditor, George Holland, and the city manager, Peter Zanoni, since January 1, 2025."

13. On April 15, the City requested clarification and narrowing of request

26-0853. On April 17, Plaintiffs responded by supplying the email addresses ajitdavid@gmail.com and rajubhagat@gmail.com. That written response did not expressly withdraw the request for phone records, texts, or collaboration-platform messages.

14. On April 20, the City issued a combined estimate of \$3,995.70 covering the four requests. The estimate included 150 hours for locating, compiling, and reproducing information; 60 hours for data manipulation; six hours for programming; overhead; and media charges. Plaintiffs accepted the estimate on April 29 and paid the combined amount. The City acknowledged receipt of the payment on May 5.

15. The City subsequently sought an Attorney General decision concerning information responsive to requests 26-0851, 26-0852, and 26-0853.

16. On July 16, 2026, the Attorney General issued OR2026-030159 concerning City requests 26-0851, 26-0852, and 26-0853. The City reported receiving the ruling on July 20 and transmitted it to Plaintiffs on July 29.

17. The ruling authorized withholding of information marked by the Attorney General under Texas Rule of Evidence 503 and § 552.107(1), and required release of the remaining information at issue. The ruling rejected the City's asserted litigation, audit-working-paper, and informer grounds for withholding the remaining information.

18. The City made productions in May and July. The existence of some production did not resolve request 26-0853 because the requested phone records, texts, and collaboration-platform messages remained unproduced. On July 31, Plaintiffs specifically advised the City that they had received no text messages,

collaboration-platform messages, phone records, or the material identified as Exhibit C in the City's Attorney General submission.

19. The City responded on July 31 that the authorized material had been uploaded and that none of the requests covered text messages. The City further stated that no texts had been retrieved or submitted to the Attorney General and that it considered the request closed. This contention by the City conflicts with the express text of request 26-0853.

20. On August 3, Plaintiffs again identified the original request's express inclusion of texts. The City nevertheless maintained that the request was closed and instructed Plaintiffs to submit a new request for additional information. Plaintiffs also identified an apparent duplication of requests 26-0852 and 26-0853 in the City's materials, raising a further question whether the City processed the actual phone-records request.

21. Upon information and belief, responsive communications remain in the City's possession, custody, or control, including information maintained by the identified officials. The City's explanation for omitting texts was that it considered them outside the request, rather than a representation that it searched for them and found none. Plaintiffs contend the City refused to process and supply the expressly requested categories and cannot cure that refusal by closing the file.

22. On October 8, 2026, Plaintiffs again requested emails and attachments between Ajit David, Raju Bhagat, Peter Zanoni, and George Holland, in any combination, since July 1, 2024. The City processed that request under number 26-2452 and issued an October 21 estimate totaling \$88.20, including one hour for

locating, compiling, and reproducing information, two hours for manipulation, one hour for programming, and \$14.70 overhead. This request substantially overlaps the email component of the April requests covered by the combined \$3,995.70 estimate. The later estimate provides additional grounds to question the labor assumptions underlying the earlier combined estimate, although the two estimates cover different overall scopes.

23. Plaintiffs seek any unproduced, nonexcepted information required to be released under OR2026-030159, together with existing responsive public information that the City omitted from its search or submission under request 26-0853.

24. Plaintiffs do not contend that the ruling adjudicated the contents of text messages never submitted to the Attorney General or required disclosure of information lawfully excepted from disclosure.

C. The Hernandez Estimate and Unanswered Narrowing

25. Plaintiffs' April 24, 2026 phone-records request sought Councilmember Gil Hernandez's City-business calls and texts since January 1, 2025, including communications on any device used for City business, with personal calls and confidential information excluded or redacted. The City acknowledged receipt on April 27. It handled the matter under file number 26-0971 together with a related Hernandez email request, previously associated with number 26-0900.

26. On May 8, the City supplied an estimate of \$10,803.50, consisting of 500 hours for locating, compiling, and reproducing information; 100 hours for manipulation; \$1,800 overhead; and \$3.50 media.

27. On May 12, Plaintiffs responded in writing to the cost estimate by

narrowing the phone request to calls, texts, and messages between Hernandez and Philip Ramirez, Ajit David, Raju Bhagat, and representatives or employees of entities affiliated with those individuals. The modification retained the January 1, 2025 starting date and City-business limitation, and expressly requested an updated estimate.

28. On June 2, Plaintiffs followed up concerning the narrowed request. The City has not supplied the responsive records or provided a revised estimate addressing that narrowing. Plaintiffs have not received an Attorney General submission or determination addressing the narrowed phone request.

29. The May 12 modification was delivered four days after the estimate, within the statutory response period, and materially reduced the scope of the requested phone records. Plaintiffs thereby timely responded to the estimate by modifying their request under § 552.2615(b)(2). Because the City's estimate required a deposit of the full estimated amount, the written modified request constituted a separate request under § 552.263(e-1), received upon its delivery to the City.

30. The City did not provide an estimate addressing the narrowed phone-records request, produce responsive information, or otherwise substantively respond to that request despite Plaintiffs' June 2 follow-up. The City's original estimate addressed a broader scope and did not establish the anticipated cost of fulfilling the materially narrower request.

31. Plaintiffs contend that the City cannot condition access to the narrowed phone records on payment of the original \$10,803.50 estimate without determining and documenting the allowable costs attributable to the information actually

requested. The original estimate assigned 600 hours of labor to the broader requests; the City supplied no explanation addressing how those hours applied after Plaintiffs limited the phone-records request to communications with the identified individuals and their affiliated entities.

32. Plaintiffs have received neither notice of a request for an Attorney General decision concerning the narrowed phone-records request nor identification of a legal basis permitting the City's continuing refusal to supply the requested information. Plaintiffs contend that the City's failure to process and respond to the narrowed request constitutes a refusal to supply public information under the Act.

33. Plaintiffs seek production of existing responsive public information within the narrowed request that is not lawfully excepted from disclosure, subject only to charges and payment conditions authorized by the Act. Plaintiffs further seek relief preventing the City from conditioning access to the narrowed phone records on payment of the original estimate without a determination that its charges remain applicable to the narrowed request.

34. Alternatively, to the extent the City maintains that the original \$10,803.50 estimate remains applicable to the narrowed phone-records request, Plaintiffs contend that the estimate is excessive and imposes an unlawful condition on access to public information. The estimate assigns 600 hours of labor to the broader requests, without an explanation establishing that those hours are reasonably necessary to fulfill the narrowed phone-records request. Plaintiffs contend that conditioning production on payment of charges unsupported by the narrowed scope and not authorized by the Act constitutes an effective refusal to supply the requested

public information.

D. Councilmember Records and the Excessive Estimate

35. On June 17, 2026, Plaintiffs submitted a request to the City Secretary for phone calls, texts, collaboration-platform messages, and encrypted-application messages, including attachments, sent or received by Councilmembers Eric Cantu, Gil Hernandez, Sylvia Campos, Carolyn Vaughn, and Kaylynn Paxson since January 1, 2026. The City assigned number 26-1385. The requested communications concerned City business.

36. On July 2, the City estimated \$32,403.50, consisting of 1,800 hours for locating, compiling, and reproducing information (\$27,000), \$5,400 overhead, and \$3.50 media. The form does not allocate the 1,800 hours among the five custodians, identify the expected volume of responsive records, or explain a particular search and collection method supporting that amount.

37. Plaintiffs subsequently resubmitted requests for these councilmember records through the City's designated public-information recipient. The original \$32,403.50 estimate is included as an example of the City's challenged cost-estimation practices. Plaintiffs do not seek an order compelling production under original request 26-1385 in this action, and do not presently assert a violation arising from the resubmitted requests.

38. Plaintiffs contend the unexplained 1,800-hour estimate imposed an unjustified barrier to obtaining the requested existing communications. Plaintiffs contest whether the anticipated costs were fully documented as required for a lawful deposit demand and whether the hours reflect necessary, recoverable work rather

than duplicative collection or nonrecoverable review.

E. Unsupported Manipulation, Programming, and Related Overhead Charges

39. The City demanded advance payment of estimates containing substantial manipulation and programming charges without identifying the work supporting them. The April combined estimate included 60 hours of manipulation costing \$900 and six hours of programming costing \$171. The Hernandez combined estimate included 100 hours of manipulation costing \$1,500.

40. The City's estimates did not identify what information required modification, reordering, or decoding; what programming services were necessary; or how the City calculated the hours assigned to those tasks. Merely placing hundreds of hours beside a cost category does not establish that the work is necessary or that its cost may lawfully be imposed on the requestor.

41. Plaintiffs allege that these charges exceed the work reasonably necessary to provide the requested information and unlawfully inflate the price of access. The City cannot charge twice for the same work by labeling it both retrieval and manipulation, or shift the expense of evaluating disclosure exceptions and preparing Attorney General submissions to Plaintiffs. Nor can the City justify the disputed hours through a generic statement that manipulation or programming will occur.

42. The associated overhead compounds those inflated labor charges. Applying a percentage to unsupported or impermissible labor does not make the resulting overhead lawful. Plaintiffs challenge both the underlying charges and the overhead attributable to them.

43. Plaintiffs paid the April combined estimate, yet the City omitted expressly requested categories from its processing. The April charges are included as background concerning the City's cost-estimation practices. To the extent the City continues to condition production under the narrowed Hernandez request on payment of the unsupported original estimate, Plaintiffs contend that condition creates an unlawful financial barrier to disclosure and seek production subject only to lawful charges.

F. The Resubmitted P-Card Request and Privacy Withholding

44. On October 8, 2026, Plaintiffs submitted a request to the City Secretary for all receipts reviewed by the City Auditor or the Auditor's office during its 2024 P-card investigation, including receipts concerning the City Manager and his staff. Plaintiffs sought the underlying receipts rather than protected work product and expressly permitted redaction of information made mandatorily confidential by law. The City received the request that day and assigned number 26-2455.

45. The City made a partial production. In an October 21 submission to the Attorney General, it asserted that marked portions of the remaining information were protected under § 552.101 in conjunction with common-law privacy because they concerned personal financial information unrelated to City business and not reimbursed.

46. The requested receipts were collected or maintained by the City in connection with the City Auditor's official investigation and constitute public information under Texas Government Code § 552.002. Their origin as records of individual transactions does not remove them from the Act's coverage when collected

or maintained in connection with that governmental activity.

47. Plaintiffs dispute the City's application of common-law privacy. Information bearing on the use of City purchasing cards, requests for reimbursement, compliance with expenditure policies, or the investigation's treatment of those matters is of legitimate public concern. An expense's characterization as personal or its nonreimbursement does not establish that it lacks a connection to governmental activities. The public has a legitimate interest in determining whether personal expenses were charged to City accounts, submitted for reimbursement, rejected, repaid, or appropriately investigated. Plaintiffs contend that the City cannot withhold such information under common-law privacy without establishing both that it is highly intimate or embarrassing and that it is not of legitimate public concern.

48. Plaintiffs seek disclosure of responsive receipts and portions not protected by an applicable exception, subject to lawful redaction of genuinely confidential information. Plaintiffs request in camera review where necessary to determine whether the City's withholding extends beyond information protected by common-law privacy.

G. The October 9 Request and Revised Advance-Payment Demand

49. On October 9, 2026, Plaintiffs submitted a request to the City Secretary for emails and attachments sent or received since January 1, 2026, by City Councilmembers, the City Secretary and the Secretary's assistants, and employees of the City's Legal Department, concerning Dolcefino Media, Dolcefino Consulting, their employees, their public-information requests, and the City's associated cost estimates. The City received the request that day and assigned number 26-2468.

50. On October 22, the City demanded advance payment of \$7,723.50. The estimate assigned 328.5 hours to locating, compiling, and reproducing information, costing \$4,927.50; another 100 hours to manipulation of data, costing \$1,500; \$1,285.50 to overhead; and \$10.50 to three flash drives. The estimated labor totaled 428.5 hours.

51. After Plaintiffs challenged the estimate, the City issued a revised estimate on October 23 demanding \$1,961.00. The revised estimate assigned 68.75 hours to locating, compiling, and reproducing information, costing \$1,031.25; 40 hours to manipulation of data, costing \$600; \$326.25 to overhead; and \$3.50 to one flash drive. The City thus reduced its estimated labor from 428.5 hours to 108.75 hours and its payment demand by \$5,762.50 in one day.

52. On October 23, 2026, Plaintiffs submitted a cost complaint to the Attorney General concerning request 26-2468 and supplemented that the same day to challenge the revised estimate. On October 23, 2026, Plaintiffs notified the City in writing that the complaint and supplemental complaint had been submitted.

53. Neither estimate identifies the volume of responsive information, explains the calculation of the assigned hours, or describes the particular modification, reordering, or decoding requiring the separately charged manipulation labor. The revised estimate does not explain the substantial reduction in the hours assigned to the respective tasks. Both use a generic statement that City staff will perform manipulation or programming.

54. Plaintiffs seek production of existing responsive public information under request 26-2468 without conditioning access on unsupported or legally

impermissible charges. Plaintiffs challenge the revised \$1,961.00 demand; the original \$7,723.50 estimate and its substantial reduction are included as evidence supporting that challenge.

55. The revised estimate continues to require advance payment of the entire estimated amount and warns that the request will be considered withdrawn if payment is not made within ten business days. Plaintiffs contend that the remaining 68.75 retrieval hours and 40 manipulation hours exceed the work reasonably necessary to fulfill the request and are unsupported by the explanation supplied by the City. Plaintiffs further challenge overhead attributable to unsupported or duplicative labor.

V. CAUSE OF ACTION – WRIT OF MANDAMUS

56. The preceding paragraphs are incorporated for all purposes.

57. Plaintiffs qualify as a “Requestor” under the Act. Defendant is a “governmental body” under the Act, and the records sought concern official City business, public expenditures, and governmental activities within Texas Government Code § 552.002. Plaintiffs seek responsive existing information within the City’s possession, custody, or control, including public information maintained by officials on devices or accounts used for official business.

58. Pursuant to Tex. Gov’t Code 552.321(a):

A requestor... may file suit for a writ of mandamus compelling a governmental body to make information available for public inspection if the governmental body ... refuses to supply public information...

59. The City refused to supply the phone records, texts, and collaboration messages expressly requested under 26-0853 by excluding those categories from its

processing and closing the file after Plaintiffs identified the omission. Plaintiffs paid the combined advance amount, and the April 17 clarification did not expressly withdraw those categories. Plaintiffs seek a writ requiring the City to process the operative scope and supply responsive public information that remains unproduced.

60. Plaintiffs additionally seek release of any remaining nonexcepted information required by OR2026-030159. The City may not expand permission to withhold marked privileged material into authority to withhold unmarked material or substantially different record types not represented in its submission.

61. The City failed to supply the information responsive to the timely May 12 Hernandez narrowing or provide the requested revised estimate. To the extent the City seeks to withhold that information under an exception requiring an Attorney General decision, Plaintiffs have received no notice that the City timely requested such a decision concerning the operative modified request.

62. Plaintiffs further challenge the City's withholding under request 26-2455. Plaintiffs contend that the City has applied common-law privacy to information concerning purchasing-card practices and related governmental activities that is of legitimate public concern. Plaintiffs seek disclosure of responsive information for which the requirements of that exception are not established.

63. Plaintiffs further seek relief under § 552.321 concerning request 26-2468. The City continues to condition access on advance payment of \$1,961.00, including charges for 68.75 hours of retrieval labor, 40 hours of manipulation labor, and related overhead. Plaintiffs allege that those hours exceed the work reasonably necessary to fulfill the request and lack an adequate documented basis. Plaintiffs

contend that conditioning disclosure on those unsupported charges constitutes a refusal to supply public information under an unlawful payment condition. Plaintiffs seek production of existing responsive, nonexcepted information subject only to charges and payment conditions authorized by the Act.

64. Plaintiffs paid the April combined estimate, yet the City omitted expressly requested categories from its processing. As to the narrowed Hernandez request, Plaintiffs challenge any continued reliance on the unsupported original estimate as a condition of production and seek disclosure subject only to lawful charges.

65. Section 552.263 requires full documentation of anticipated costs before imposing a deposit. Plaintiffs challenge the factual basis and statutory authorization for the identified demands. Where § 552.231 applies, they further contest whether a generic statement that programming or manipulation will occur adequately describes the services and available form required by that section.

66. Plaintiffs seek a writ compelling disclosure of existing responsive public information under the operative requests established in this action, without conditioning access on unsupported manipulation or programming charges, impermissible review labor, duplicative labor, or overhead attributable to such charges. Plaintiffs remain subject to charges and payment conditions lawfully imposed under the Act.

67. Plaintiffs respectfully request an accelerated hearing and an order issuing a writ of mandamus and requiring the Defendant to produce the requested information.

VI. ATTORNEY'S FEES

68. The preceding paragraphs are incorporated for all purposes. Plaintiffs request reasonable attorney's fees and costs of litigation under § 552.323 to the extent they substantially prevail and the statutory requirements are satisfied.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, Dolcefino Communications, LLC d/b/a Dolcefino Media and Wayne Dolcefino pray that citation be issued and served upon Defendant, City of Corpus Christi, Texas, commanding Defendant to appear and answer this lawsuit and that upon final hearing of this cause, the Court issue a writ of mandamus compelling Defendant to promptly disclose the requested public information in accordance with Chapter 552 of the Texas Government Code, award Plaintiffs reasonable and necessary attorney's fees and costs of court as authorized by law, and grant Plaintiffs such other and further relief, at law or in equity, to which Plaintiffs may show themselves justly entitled.

Respectfully submitted,

**THE LAW OFFICES OF OMAR KHAWAJA,
PLLC**

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